

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 21-CR-154(NGG)
Plaintiff , :
-against- : United States Courthouse
JASON PELTZ, : Brooklyn, New York
Defendant. : September 22, 2021
: 10:30 a.m.

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TRANSCRIPT OF STATUS CONFERENCE BY VIDEO
BEFORE THE HONORABLE NICHOLAS G. GARAUFI
UNITED STATES SENIOR DISTRICT JUDGE

APPEARANCES:

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United States Attorney
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New York, New York
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Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 THE CLERK: United States vs. Peltz.

2 Beginning with the government, please state your
3 appearances for the record.

4 MS. FARRELL: Good morning, Your Honor.

5 Kaitlin Farrell and Sarah Evans for the
6 United States.

7 THE COURT: Good morning.

8 And for the defendant?

9 MR. TEMKIN: Your Honor, Jeremy Temkin and Ryan
10 McMenamin from Morvillo Abramowitz Grand Iason & Anello for
11 Mr. Peltz. And Mr. Peltz is present as well.

12 THE COURT: Good morning, gentlemen.

13 Good morning, Mr. Peltz.

14 THE DEFENDANT: Good morning, Your Honor.

15 THE COURT: All right. Ms. Farrell, what is the
16 current status of this proceeding?

17 MS. FARRELL: Certainly, Your Honor.

18 So at this point we have produced the vast majority
19 of discovery in the case. The only remaining discovery that
20 we expect to produce to the defendant is just materials that
21 we continue to receive as part of an ongoing investigation,
22 but thus far we produced basically everything that we've
23 received so far. And so now -- and we made our last
24 production yesterday, just to be clear to Your Honor. And so
25 now that that's been done, I understand that the defense is

1 still digesting those materials. And we've discussed a
2 proposal for setting motion schedules and so on and so forth.
3 I think I will let Mr. Temkin put that proposal forward since
4 it was his brainchild, if Your Honor doesn't mind.

5 THE COURT: All right. Let me hear about your
6 brainchild, Mr. Temkin. I am all ears.

7 MR. TEMKIN: I don't know if my real children would
8 appreciate that, Ms. Farrell.

9 But, Your Honor, we've received, so far, 76,000
10 documents totaling 312,000 pages and there is another tranche
11 that has yet to be delivered and loaded, so those numbers are
12 going to grow. The last two tranches which present
13 approximately 60 percent of the pages and 90 percent of the
14 documents were received within the last month and just by the
15 time things get received and then loaded onto our system, we
16 really sort of have not substantively reviewed them.

17 When I spoke -- Mr. McMenamin and I spoke with
18 Ms. Farrell and Ms. Evans yesterday, and what I think we're
19 jointly proposing is to spend the next three months reviewing
20 the materials and that we come back to Your Honor in three
21 months. We will, in the meantime, spend, devote time to
22 trying to see if the case could be resolved short of motion
23 practice. If it can, then we'll obviously contact Your Honor
24 and let you know. If it can't, then we will come back in
25 three months and propose a motion schedule.

1 THE COURT: All right. You want a January date; is
2 that what we are saying here?

3 MR. TEMKIN: January. Late December, early January,
4 or any time in January would be fine, Your Honor.

5 THE COURT: Well, I am hoping to have a trial in
6 late December, so let's try for the beginning of January.

7 Thursday, January 6th at 10:30 a.m. for a status
8 conference.

9 MS. FARRELL: That works for the government,
10 Your Honor.

11 MR. TEMKIN: That works for the defense, Your Honor.

12 THE COURT: All right. So is there an application
13 from the government? And then I have another question.

14 MS. FARRELL: Yes, Your Honor, we -- in light of
15 everything that Mr. Temkin just described there, digesting the
16 discovery materials and our hope to engage in fruitful plea
17 negotiations, the government is requesting that Your Honor
18 exclude time from now until the next status conference.

19 THE COURT: Mr. Temkin?

20 MR. TEMKIN: No objection, Your Honor.

21 THE COURT: Time is excluded between today and
22 January 6, 2022 in the interest of justice for a review of
23 discovery and plea negotiations to the extent of the parties.

24 If you believe in reviewing the documents and if
25 negotiations are not particularly successful or promising and

1 you want to provide a consent to motion schedule before that
2 date, please let me know and we can dispense with having a
3 proceeding on that day, and you can just make your motions as
4 long as you consent to the exclusion of time until the
5 resolution of the motions.

6 MR. TEMKIN: Yes, Your Honor.

7 THE COURT: But, you know, this is a relatively new,
8 complex case, in my opinion. There is a lot of information in
9 the indictment and I can understand that going through the
10 discovery must be a challenge, but let's try to move this
11 along. I do not want it to appear that I want us to just put
12 things off that we can move ahead. I look at the defendant
13 and, you know, he is a young man and I would like to resolve
14 it before, you know, he starts getting gray. I am already
15 gray, so there is nothing we can do about me. And there is
16 not much we can do about Mr. Temkin, I must say. But I do
17 feel that I need to try to encourage you to move with some
18 alacrity here and get through the materials so that we can go
19 to the next step. All right?

20 MR. TEMKIN: I appreciate that, Your Honor.

21 MS. FARRELL: Understood, Your Honor.

22 THE COURT: Thank you, everybody.
23 Anything else from the government?

24 MS. FARRELL: No, Your Honor.

25 THE COURT: From the defendant?

1 MR. TEMKIN: No, Your Honor.

2 THE COURT: Mr. Peltz, we'll see you on January 6th
3 and I look forward to hearing from all of you. Thank you.

4 MS. FARRELL: Thank you, Judge.

5 MR. TEMKIN: Thank you. Bye-bye.

6 (Matter concluded.)

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10 I certify that the foregoing is a correct transcript from the
11 record of proceedings in the above-entitled matter.

12 /s/ Andronikh M. Barna

October 20, 2021

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ANDRONIKH M. BARNA

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